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June 6, 2024

VIA EMAIL AND ECFHonorable Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 15D
New York, New York 10007Re: *Eugene F. Mason, Jr. v. Richard S. Meisner, Esq., et al.*
Case No.: 1:24-cv-02810 (AT)

Dear Judge Torres:

This firm has recently been retained to represent the Plaintiff, Eugene F. Mason, Jr. (Mr. Mason" or "Plaintiff") in the above-captioned matter. As the Court may be aware, the undersigned filed a Notice of Appearance on June 5, 2024 [Dkt. No. 17] and outgoing counsel for Mr. Mason filed its Notice of Substitution of Attorney immediately thereafter [Dkt. No. 18].

As incoming counsel, we are advised that there have been communications between the parties concerning the Defendants' intention to file a motion seeking to dismiss certain of the counts in the Plaintiff's Complaint as required under Section (III)(B)(ii) of Judge Analisa Torres' Individual Practices in Civil Cases, and that a responsive letter is due to be served upon Defendants no later than June 7, 2024. Having had an opportunity to review the initial pleadings and taking into account certain of the positions stated by the Defendants in their letter regarding the anticipated motion to dismiss, Plaintiff intends to amend his pleadings to resolve the issues raised by counsel for the Defendants by withdrawing the causes of action for breach of fiduciary duty, breach of contract, and violation of the implied duty of good faith and fair dealing and may further plead additional facts and/or allegations in support of Plaintiff's claim for legal malpractice, which shall be the sole remaining cause of action going forward. This position has been formally articulated to the Defendants by way of a letter dated June 6, 2024.

To that end, Plaintiff hereby seeks leave of the Court to amend his Complaint and asks that the Court permit Plaintiff until June 21, 2024, to do so with June 21, 2024 being the current deadline for Defendants to respond to or move against the Complaint. Defendants have consented to Plaintiff's requests both as to the request for leave to amend the pleading and as to the proposed deadline by which the amended pleading shall be filed. Plaintiff, of course, consents to any

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enlargement of time as the Court shall permit Defendants to duly answer or otherwise respond to the amended pleading.

Given the foregoing, the Parties also jointly request that the Initial Pretrial Scheduling Order [Dkt. No. 10] which directs that the parties are to submit a joint letter and a jointly proposed Case Management Plan and Scheduling Order by June 28, 2024, in accordance with Rule 16 of the Federal Rules of Civil Procedure be modified to enlarge the deadline for submitting the joint letter and jointly proposed order to July 26, 2024. This is the first request to extend the scheduling order deadline.

We thank the Court in advance for its time and consideration in this matter.

Respectfully submitted,

/s Jason A. Stewart

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GRANTED. Plaintiff may amend his pleading by **June 21, 2024**; Defendants' deadline to answer or otherwise respond shall be extended accordingly. The parties shall submit their joint letter and proposed case management plan by **July 26, 2024**.

SO ORDERED.

Dated: June 7, 2024
New York, New York



ANALISA TORRES
United States District Judge